

FILED

Mar 01 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 RAMON NAVARRO LUPERCIO,
11 Petitioner,
12 v.
13 VISALIA POLICE DEPARTMENT,
14 Respondent.

Case No. 21-01023 NC (PR)

ORDER OF TRANSFER

16 Petitioner, a state prisoner at San Quentin State Prison, has filed a petition for a writ of
17 habeas corpus under 28 U.S.C. § 2255. Petitioner challenges his state conviction from the
18 Superior Court of Tulare County. Venue for a habeas action is proper in either the district of
19 confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions
20 challenging a conviction or sentence are preferably heard in the district of conviction. *See* Habeas
21 L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because
22 petitioner challenges a conviction from Tulare County, the Eastern District of California is the
23 district of conviction.

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1 Accordingly, this case is **TRANSFERRED** to the United States District Court for the
2 Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending
3 motions and transfer the entire file to the Eastern District of California.

4 **IT IS SO ORDERED.**

5 DATED: March 1, 2021



NATHANAEL M. COUSINS
United States Magistrate Judge